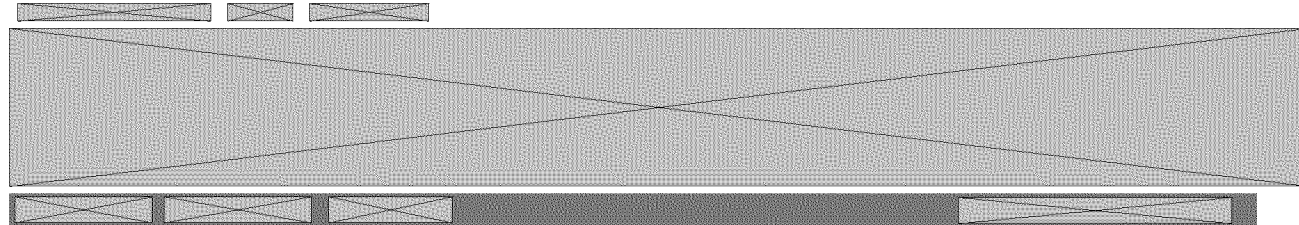


To: Tyler, Patti[Tyler.Patti@epa.gov]
From: BNA Highlights
Sent: Sat 8/8/2015 1:23:50 AM
Subject: Aug 10 -- BNA, Inc. Daily Environment Report

Manage your [email subscriptions](#)

Email not displaying correctly? [View publication in your browser.](#)



The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Shari Clayman at clayman.shari@epa.gov, 202-566-2370.

August 10, 2015 - Number 153

MY HEADLINES

Activists Urge Inspections of Offshore Calif. Pipelines

An environmental advocacy group asked federal regulators to inspect all pipelines in federal and state waters off the coast of California.

(Topic: oil and gas)

Bay Farm Group Seeks 'Regionally Neutral' Nutrient Plan

A coalition of farmers operating on the land east of the Chesapeake Bay will work with the entire agriculture community to reduce nutrient runoff enough by 2025 to result in a "regionally neutral" pollution impact on Chesapeake Bay.

(Topic: water pollution)

China Ramps Up Air, Soil, Water Pollution Monitoring

China's environmental authorities assessed 236 million yuan (\$38 million) in daily accumulating penalties in 292 separate cases in the first half of 2015, the Ministry of Environmental Protection reported Aug. 7.

(Topic: air pollution)

Clean Water Act Violations Cost Caltrans, Contractor

California's Department of Transportation and a construction company will pay a combined \$160,000 for illegally discharging sediment, diesel fuel and other contaminants to Shasta Lake, under a pair of proposed settlements with the Environmental Protection Agency.

(Topic: water pollution; Agency: Environmental Protection Agency)

D.C. Proposes Stormwater Cleanup Deadline of 2154

The District of Columbia proposed a cleanup plan that gives the city 139 years to eliminate illegal discharges from its municipal separate stormwater system (MS4).

(Topic: water pollution)

EPA Argues Statute Clear in Clean Power Plan Defense

The Environmental Protection Agency in its final Clean Power Plan sought to short circuit arguments against the carbon dioxide standards as opponents of the rule press judges to quickly take up their legal challenges.

(Topic: air pollution; Topic: climate change; Agency: Environmental Protection Agency)

EPA Questions Cross-State Ruling's Effect on Settlement

HIGHLIGHTS

Environmental Protection Agency is seeking comments on whether a recent court decision on state emissions budgets under the agency's interstate air pollution rule has any effect on a proposed settlement with the Sierra Club over interstate pollution from Texas.

Topic: air pollution; Agency: Environmental Protection Agency

EPA Triggers Mine Waste Release Into Animas River

The Environmental Protection Agency accidentally triggered a 3 million gallon release of toxic mine waste water into a tributary of the Animas River in southwest Colorado, sending an orange-tinted pulse of contaminated water, sediment and debris down the river.

Topic: fish and wildlife; Topic: water pollution; Agency: Environmental Protection Agency; State: Colorado

EPA's Proposed Trichloroethylene Rule Published

A proposed rule that would require companies to notify the Environmental Protection Agency 30 days before they plan to make or process trichloroethylene (TCE) for use in a wide consumer products was published in the Federal Register Aug. 7 (80 Fed. Reg. 47,441). The EPA released the proposed significant new use rule (SNUR) online July 30 (47 ECF No. 731/15). The SNUR is open for public comment through Oct. 6. Consumer applications of TCE constitute a small amount of the solvent's

Agency: Environmental Protection Agency

Tracing Permafrost Carbon Transferring to Arctic Ocean: Study

Arctic's Mackenzie River can erode soils along its path, some from places where water permafrost is melting and wash that biosphere-derived material and the organic carbon to the Arctic Ocean, preventing its degradation of organic carbon and associated release of damaging greenhouse gas carbon dioxide into the atmosphere, according to an Aug. 6 letter in the journal Nature.

Topic: climate change

Very Republican Debate Stays Cool on Climate

Climate change never came up, and energy issues got little more than a passing mention from the top-13 polling Republican presidential candidates during their party's first debate Aug. 6.

Topic: climate change; Agency: Environmental Protection Agency

Industry Urges EPA to Redo Nano Chemical Rule

The Environmental Protection Agency does not have the legal authority to require chemical manufacturers and processors to report information the agency sought to obtain under a proposed data-collection rule for nanoscale chemicals, industry groups told the agency in comments on its proposed rule.

Agency: Environmental Protection Agency

N.J. Ruling Tanks Neighbor's Oil Migration Case

A New Jersey homeowner is out of luck after the New Jersey Supreme Court rejected his tort claims stemming from a leaking oil tank that migrated from a neighbor's underground tank and damaged his property (*Ross v. Lowitz*, 2015 CL 002147, N.J., No. A-1011, 8/6/15).

Topic: oil and gas

Pallone: Democrats Seen Supporting House Energy Bill

Energy legislation being crafted in the House is likely to garner plenty of Democratic support when it reaches the House floor, Rep. Frank Pallone (D-N.J.), the top Democrat on the House Energy and Commerce Committee, said.

Topic: oil and gas

EPA Ordered to Address All Coal Disposal Sites

The Tennessee Valley Authority must evaluate and, if necessary, clean up all of its coal ash disposal sites in Tennessee.

Agency: Environmental Protection Agency

EPA Argues Statute Clear in Clean Power Plan Defense

The EPA in its final Clean Power Plan seeks to short circuit arguments against the carbon dioxide standards as opponents of the rule press judges to quickly take up their legal challenges. The final Clean Power Plan revises and expands the EPA's defense of its legal authority to regulate carbon dioxide emissions from power plants under Section 111(d) of the Clean Air Act. The new interpretation comes as federal courts have sought to limit the leeway federal agencies have to interpret laws. [More »](#)

EPA Triggers Mine Waste Release Into Animas River

The EPA accidentally triggers a 1 million gallon release of toxic mine waste water into a tributary of the Animas River in southwest Colorado, sending an orange-tinted pulse of contaminated water, sediment and metals down the river. An EPA and Colorado Division of Reclamation, Mining and Safety team causes the spill while working to investigate and remediate contamination at the Gold King Mine near the upper portions of Cement Creek in San Juan County. [More »](#)

PHMSA Outlines Work to Address Pipeline Response Gaps

Improvements in training, engagement and leveraging of existing resources are under way to address gaps in pipeline emergency response efforts, federal regulators tell Congress. PHMSA has already moved to address these gaps through actions such as funding "train-the-trainer" pipeline response hosting online, adding information to the National Pipeline Mapping System online tool and working with an industry-sponsored program regarding community outreach and preparedness for hazardous materials transportation-related incidents, the agency says in a report. [More »](#)

Fiery Republican Debate Stays Cool on Climate

Climate change never comes up, and energy issues get little more than a passing mention from the top-10 polling Republican presidential candidates during their party's first debate. Talk of EPA regulations comes up during an earlier afternoon debate featuring seven lower-polling candidates, including Sen. Graham, one of the lone Republicans in the field to acknowledge climate change. [More »](#)

Pallone: Democrats Seen Supporting House Energy Bill

Energy legislation being crafted in the House is likely to garner plenty of Democratic support when it reaches the House floor, Rep. Pallone, the top Democrat on the House Energy and Commerce Committee, says. Bipartisan support for the bill, which was approved by voice vote in the Subcommittee on Energy and Power in July, is expected to hold when it reaches the floor, Pallone says. [More »](#)

Industry Urges EPA to Redo Nano Chemical Rule

The EPA does not have the legal authority to require chemical manufacturers and processors to report information the agency sought to obtain under a proposed data-collection rule for nanoscale chemicals, industry groups tell the agency. As proposed, the EPA's rule would exceed the authority Congress provided the agency under Section 8(a) of the Toxic Substances Control Act, the NanoManufacturing Association says. [More »](#)

China Ramps Up Air, Soil, Water Pollution Monitoring

China's environmental authorities assessed 236 million yuan (\$38 million) in daily accumulating penalties in 292 separate cases in the first half of 2015, the Ministry of Environmental Protection reports. In addition to the fines, environmental authorities at the central government level closed down facilities or confiscated property in 1,814 pollution violation cases; restricted or suspended production at facilities in 1,092 other instances; ordered administrative detentions of company officials in 782 cases; and found 740 violations where suspects were investigated for criminal action because of violating environmental protection laws, according to the ministry. [More »](#)

Blenders May Fall Out of Mix on Biodiesel Tax Credit

Companies that blend small amounts of biodiesel into fuel may lose out on a federal tax credit when Congress renews expired tax provisions later in 2015. Lobbyists for blenders prepare to fight a move to switch the \$1-per-gallon tax credit for biodiesel from a blenders' credit to a producers' credit and to make exceptions only for blenders that use biodiesel in larger proportions than the law has required in the past—and do so only with biodiesel produced in the U.S. [More »](#)

New Jersey Ruling Tanks Neighbor's Oil Migration Case

The New Jersey Supreme Court rejects a homeowner's tort claims stemming from a heating oil spill that migrated from a neighbor's underground tank and damaged his property. John Ross had no case against Karen Lowitz or her insurers for nuisance, trespass and other claims under New Jersey law because there was no evidence they acted negligently or recklessly or that storage of the oil was an abnormally dangerous activity, the court says. [More »](#)

TVA Ordered to Address All Coal Disposal Sites

The Tennessee Valley Authority must evaluate and, if necessary, clean up all of its coal ash disposal sites in Tennessee. The Tennessee Department of Environment and Conservation issues an administrative order that provides oversight for TVA's compliance with new federal requirements and expands the scope to disposal sites in the state not covered by a federal rule. [More »](#)

Eroding Permafrost Carbon Transferring to Arctic Ocean: Study

Canada's Mackenzie River can erode soils along its path, some from places where Arctic permafrost is melting. It can wash that biosphere-derived material and the organic carbon within it into the Arctic Ocean, preventing the degradation of organic carbon and associated release of damaging greenhouse gas carbon dioxide into the atmosphere, researchers say. The research, done through Woods Hole Oceanographic Institute, says as temperatures rise, as much as 2.2 million metric tons of organic carbon a year is carried into Arctic Ocean as sediment. [More »](#)

ALSO IN THE NEWS

PIPELINE SAFETY:

An environmental advocacy group asks federal regulators to inspect all pipelines in federal and state waters off the coast of California. The Center for Biological Diversity petition comes in response to a crude oil spill from a Plains All American Pipeline LP coastal pipeline in Santa Barbara County, Calif. [More »](#)

WATER POLLUTION:

The District of Columbia proposes a cleanup plan that gives the city 139 years to eliminate illegal discharges from its municipal separate stormwater system. [More »](#)

CHESAPEAKE BAY:

A coalition of farmers operating on the land east of the Chesapeake Bay will work with the entire agricultural community to reduce nutrient runoff enough by 2025 to result in a "regionally neutral" pollution impact on Chesapeake Bay. [More »](#)

WEBINAR

RISK MANAGEMENT:

Bloomberg BNA presents a webinar Aug. 11, "Risk Management: What Every Environmental Consultant Needs to Know," with Greg Munson & Rick Burgess, of Gunster. CLE and CPE credits are available. Information is available at <http://www.bna.com/risk-management-every-m17179928059/>.

Table of Contents

NEWS

AIR POLLUTION

EPA questions cross-state ruling's effect on settlement [A-1](#)

CHEMICALS

EPA's proposed trichloroethylene rule published [A-12](#)

CHESAPEAKE BAY

Bay farm group seeks 'regionally neutral' nutrient plan [A-6](#)

CLIMATE CHANGE

Eroding permafrost carbon transferring to Arctic Ocean, study says [A-11](#)

CLIMATE REGULATION

EPA argues statute clear in Clean Power Plan defense [A-7](#)

ELECTIONS

Fiery Republican debate stays cool on climate [A-1](#)

ENERGY

Blenders may fall out of mix on biodiesel tax credit [A-10](#)

Pallone: Democrats seen supporting House energy bill [A-2](#)

ENFORCEMENT

China ramps up air, soil, water pollution monitoring [A-9](#)

Clean Water Act violations cost Caltrans, contractor [A-10](#)

MINING

EPA triggers mine waste release into Animas River [A-3](#)

NANOTECHNOLOGY

Industry urges EPA to redo nano-chemical rule [A-3](#)

OCEANS

China falling short of desalination rate goals [A-9](#)

OIL SPILLS

N.J. ruling tanks neighbor's oil migration case [A-8](#)

PIPELINE SAFETY

Activists urge inspections of offshore California pipelines [A-5](#)

PHMSA outlines work to address pipeline response gaps [A-5](#)

SOLID WASTE

TVA ordered to address all coal disposal sites [A-6](#)

WATER POLLUTION

D.C. proposes stormwater cleanup deadline of 2154 [A-2](#)

REGULATORY AGENDA

COMMENT DEADLINES

Due dates for comments on pending rules and other actions [D-5](#)

AUGUST 10 FEDERAL REGISTER

Entries from today's table of contents [D-1](#)

AUGUST 7 FEDERAL REGISTER

Previous day's entries with page citations [D-3](#)

TABLE OF CASES

Ross v. Lowitz (N.J.) [A-8](#)

Sierra Club v. EPA (D.D.C.) [A-1](#)

Documents Available

Copies of documents referenced in this issue are available for a fee (\$27 for up to 200 pages) from Research & Custom Solutions. To order, call 800 372-1033; fax 703 341-1643; or e-mail research@bna.com.

View Recent Articles By:

[Agencies](#)

[States](#)

[Courts](#)

[International
Organizations](#)

[Federal Statutes](#)

[Cases Reported](#)

Key Features:

[Special Reports](#)

[Regulatory Agenda](#)

[Congress.gov](#)

[Comment Deadlines](#)

[PDF Archives](#)

Daily Environment Report

[Home](#) | [About Us](#) | [Contact Us](#) | [Privacy Policy](#)

1801 South Bell Street, Arlington, VA 22202

© 2015 The McGraw-Hill Companies, Inc.